



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/163,396 09/30/98 CHENG

T 2925-141P

002292 WM01/0905
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

EXAMINER

RAMAKRISHNAIAH, M

ART UNIT PAPER NUMBER

2643

DATE MAILED:

09/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No. 09/163,396	Applicant(s) Terry Si Cheng et al.
Examiner Melur. Ramakrishnaiah	Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Aug 13, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

a) The period for reply expires 3 months from the mailing date of the final rejection.

b) In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____ . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search. (See NOTE below);
 - (b) they raise the issue of new matter. (See NOTE below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

4. Applicant's reply has overcome the following rejection(s):

5. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:
the Ohtake reference in combination with Shen et al. teaches the claimed invention, please see the attached enclosure for further explanation and response to applicants arguments
7. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-26
9. The proposed drawing correction filed on _____ a) has b) has not been approved by the Examiner.
10. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. Other:



STELLA WOO
PRIMARY EXAMINER

Art Unit: 2643

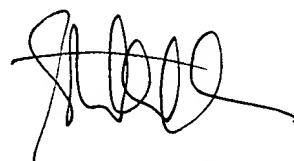
Response to Applicants arguments to the final rejection:

Applicant argues with respect to rejection of claims 1-26 under 103(a) as being unpatentable over Ohtake in view of Shen et al. (hereinafter Shen), and in particular rejection of independent claims 1, 5, 10, 16, 20, and 24 that "Ohtake does not teach all of the features of independent claims 1, 5, 10, 16, 20 and 24, particularly with respect to the method, controller or paging channel source code segment for determining optimum paging channel power in accordance with a pilot strength of a pilot signal wirelessly received by the mobile station". As already mentioned in the final office action dated 3-13-2001, in response to applicant's arguments, Ohtake teaches the concept of base station (A, fig. 12A) transmitting a down control channel to the mobile station and mobile station, measuring at the mobile station reception level of a down control channel from the base station and reporting the measured reception level to the base station, and obtaining a comparison result by comparing at the base station the reception level of the down control channel with a threshold value which is used to determine the transmission power value of a down talk channel, and determining the initial transmission power value of the down talk channel based on the comparison result. According to this method, the initial transmission power is determined to an optimum value from the start to each mobile station (fig. 12A, col. 4 lines 24-48). Clearly Ohtake teaches the concept of using a first channel to determine optimum transmission power level of the second channel from the base station (A, fig. 12A) to the mobile station (a, fig. 12A), based on the power measurement results at the mobile station of the

Art Unit: 2643

first channel. It stands to reason to point out that one of ordinary skill in the art could apply Ohtake's concept to optimize paging channel power and power of other channels such as traffic channels, etc, to keep interference levels to the minimum to maintain the optimum operation of the cellular system. Shen et al. teaches the need for power control of all channels that implies paging channel, traffic channels, etc in CDMA environment to minimize interference in the CDMA communication system to maintain optimum capacity of the CDMA system (col. 1 lines 54-63, col. 2 lines 56-67, col. 3 lines 59-61). Ohtake combined with Shen et. al teaches the claim limitations of independent claims 1, 5, 10, 16, 20, and 24, and therefore rejection of these claims is maintained.

Rejection of other dependent claims is already set forth in the office action dated 3-13-2001 and their rejection is also maintained.



STELLA WOO
PRIMARY EXAMINER